

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

Case 07-CA-113734

WESTERN MICHIGAN AREA LOCAL 281,  
AMERICAN POSTAL WORKERS UNION  
(APWU), AFL-CIO

DECISION AND ORDER

**Statement of the Case**

On August 7, 2014, the United States Postal Service (the Respondent), Western Michigan Area Local 281, American Postal Workers Union, AFL-CIO (the Charging Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>1</sup>

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<sup>1</sup> Member Hirozawa and Member Schiffer note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facilities in Grand Rapids, Michigan.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

#### **2. The labor organization involved**

The American Postal Workers Union, AFL-CIO (APWU or the National Union), and the Charging Union are labor organizations within the meaning of Section 2(5) of the Act.

#### **3. The appropriate unit**

The employees of the Respondent described in Article 1 of the collective-bargaining agreement referred to below between the Respondent and APWU constitute a unit (the unit) appropriate for the purposes of collective-bargaining within the meaning of Section 9(b) of the Act.

Since about 1974 and at all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from November 21, 2010, through May 20, 2015.

At all material times, the National Union has been the exclusive collective-bargaining representative of the unit within the meaning of Section 9(a) of the Act.

At all material times, the Charging Union has been the designated servicing representative of the National Union for employees in the unit employed at the Respondent's Grand Rapids, Michigan<sup>2</sup> facilities.

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Member Johnson would not approve the part of the order requiring Respondent to cease and desist from failing to bargain with "any other labor organization," because that asserted violation was not alleged as part of this case.

<sup>2</sup> "Grand Rapids, Michigan facilities" refers to the facilities listed in Paragraph 2(c) of this Order.

## ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Grand Rapids, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing and refusing to furnish the Charging Union with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Failing and refusing to furnish the Charging Union with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the unit or any other labor organization at its Grand Rapids, Michigan area facilities.

2. Take the following affirmative action.

(a) Provide the Charging Union with copies of all medical documentation supplied to and from the Respondent during the month of July 2012 (including injury comp/OWCP) for Theresa Harvey.

(b) Upon request, bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative for employees in the unit employed at the Respondent's Grand Rapids, Michigan area facilities.

(c) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the following facilities:

Grand Rapids P.O.	225 Michigan Street, NW, Grand Rapids
Grand Rapids P&DC	3550 Patterson Avenue SE, Grand Rapids
Grand Rapids VMF	3870 Roger B Chaffee Memorial Dr. SE, Grand Rapids
Grand Rapids Annex	630 Division Avenue S, Grand Rapids
Grand Rapids-East Paris	3970 South Greenbrooke Drive SE, Grand Rapids
Grand Rapids-Easttown	1451 Lake Drive SE, Grand Rapids
Grand Rapids-Kentwood	1680 44th Street, SE, Grand Rapids
Grand Rapids-Northeast	1765 3 Mile Road NE, Grand Rapids

Grand Rapids-Northwest	1625 Walker Avenue NW, Grand Rapids
Grand Rapids-Patterson Ann.	3500 Patterson Avenue SE, Grand Rapids
Grand Rapids-Seymour Sq.	2017 Eastern Avenue, Suite 1, Grand Rapids
Greater Michigan Dis. Off.	678 Front Street NW, Grand Rapids

Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(d) Within 21 days after service of this order by the Region, file with the Regional Director for Region 7 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., November 25, 2014

Kent Y. Hirozawa,	Member
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Harry I. Johnson, III,	Member
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Nancy Schiffer,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

## **APPENDIX A**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

#### **PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose a representative to bargain with us on your behalf;  
Act together with other employees for your benefit and protection;  
Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** refuse to bargain collectively and in good faith with Western Michigan Area Local 281, American Postal Workers Union (APWU), AFL-CIO (the Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate unit at our Grand Rapids Post Office, Grand Rapids P&DC, Grand Rapids VMF, Grand Rapids Annex, Grand Rapids-East Paris, Grand Rapids-Easttown, Grand Rapids-Kentwood, Grand Rapids-Northeast, Grand Rapids-Northwest, Grand Rapids-Patterson Annex, Grand Rapids-Seymour Square, and Greater Michigan District Office ("Grand Rapids, Michigan") facilities:

All employees in the bargaining unit for which the American Postal Workers Union, AFO-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 9-375, 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

**WE WILL NOT** fail or refuse to provide necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit or any other labor organization at our Grand Rapids, Michigan facilities.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL NOT** in any like or related manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit at our Grand Rapids, Michigan facilities.

**WE WILL** provide the Union copies of all medical documentation supplied to and from us during the month of July 2012 (including injury compensation and OWCP).

**WE WILL**, upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit at our Grand Rapids, Michigan facilities.

#### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlrb.gov/case/07-CA-113734](http://www.nlrb.gov/case/07-CA-113734) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

